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DATE: **May 13, 2009**

OFFICIAL PAPER

Please deliver this and the following pages to:

Examiner:	**Thuy Chan Dao**
U.S.P.T.O. Group Art Unit:	**2192**
Telecopier No.:	**571-273-8570**
U.S. Serial No.:	**10/039035**
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COVER MESSAGE:

OFFICIAL FACSIMILE. PLEASE DELIVER TO EXAMINER IMMEDIATELY.

Attached hereto is/are the following documents:

1) Form 413A
2) Drafted Claims for Discussion

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERY OF THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

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PTOL-413A (04-09)
Approved for use through 05/31/2009. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

Application No.: 10/039035 First Named Applicant: Nicholas P. Wilt

Examiner: Thuy Chan Dao Art Unit: 2192 Status of Application: Under Final

Tentative Participants:

(1) Attorney Kwan (2) Examiner Dao

(3) _____ (4) _____

Proposed Date of Interview: Tuesday May 19 **Proposed Time:** 2:00 Eastern **AM/PM**

Type of Interview Requested:

(1) ☑ **Telephonic** (2) ☐ **Personal** (3) ☐ **Video Conference**

Exhibit To Be Shown or Demonstrated: ☑ **YES** ☐ **NO**

If yes, provide brief description: Drafted Claims

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) Rej. Claims	1, 3-9, 11-18, 20		☐	☐	☐
(2)		JavaOS	☐	☐	☐
(3)			☐	☐	☐
(4)			☐	☐	☐

☐ Continuation Sheet Attached

Brief Description of Argument to be Presented:

discuss 102 and possible amendment to get the case allowed

An interview was conducted on the above-identified application on _____.

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Applicant/Applicant's Representative Signature	Examiner/SPE Signature
Amy O. Kwan	
Typed/Printed Name of Applicant or Representative	
59829	
Registration Number, if applicable	

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PATENT

DOCKET NO.: MSFT-0740/177740.01
Application No.: 10/039,035
Office Action Dated: January 29, 2009

DRAFT FOR DISCUSSION ONLY

This listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims:

1. (Currently Amended) A computer system, comprising:

a processor;

the processor operatively coupled to a computer readable storage medium including computer executable instructions, the computer readable storage medium includes:

an operating system having a driver comprising a plurality of instructions that interacts with a computing component, at least a portion of said driver instructions being in an intermediate language;

a plurality of application instructions separate from the driver instructions, said application instructions being in an intermediate language readable by an intermediate language compiler;

a plurality of runtime instructions, said runtime instructions being in an intermediate language readable by an intermediate language compiler, wherein said runtime instructions performs the translation between said application instructions and said driver; and

an intermediate language compiler capable of compiling the application instructions, the runtime instructions and said at least a portion of said driver instructions into a combined set of native instructions executable by the processor for interacting with the computing component, wherein the combined set of native instructions are optimized, wherein the optimized instructions eliminates unnecessary conditional code.

2. (Cancelled)

3. (Previously presented) The computer system as recited in claim 1 wherein the driver is split into user mode and kernel mode instructions.

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4. (Previously presented) The computer system as recited in claim 3 wherein the user mode instructions of the driver translates from device driver interface instructions to hardware-specific commands.

5. (Previously presented) The computer system as recited in claim 4 wherein the driver writes hardware-specific commands into an operating system-allocated buffer for submission to a scheduler of the hardware's time.

6. (Original) The computer system as recited in claim 1 wherein the plurality of application instructions and the plurality of runtime instructions are delivered to the computer system over a network.

7. (Previously presented) The computer system as recited in claim 1 wherein the driver is delivered over a network.

8. (Previously presented) The computer system as recited in claim 1 wherein the intermediate language compiler comprises a Just-In-Time compiler.

9. (Currently Amended) A computerized method for software interaction with hardware, comprising:

receiving an application program in an intermediate programming language:

receiving at least a portion of a driver program in an intermediate language separate from the application program instructions, said driver program interacting with a computing component on a target computer system;

receiving a runtime program in an intermediate programming language, wherein said runtime program performs the translation between said application instructions and said driver program;

compiling the application program, the runtime program and the driver program into a single executable program for execution on the target computer system, wherein the single executable program is optimized, and wherein the optimized single executable program eliminates unnecessary conditional code.

DRAFT FOR DISCUSSION ONLY

10. (Cancelled)

11. (Previously presented) The method as recited in claim 9 wherein the driver program comprises a kernel mode portion in an executable form.

12. (Original) The method as recited in claim 11 wherein the driver program comprises a user mode portion provided in the intermediate language form.

13. (Original) The method as recited in claim 12 wherein the user mode portion translates from device driver interface instructions to hardware-specific commands.

14. (Previously presented) The method as recited in claim 9 wherein the driver program writes hardware-specific commands into an operating system-allocated buffer for submission to a scheduler of the hardware's time.

15. (Original) The method as recited in claim 9 wherein the application program and the runtime program are delivered to the target computer system over a network.

16. (Previously presented) The method as recited in claim 9 wherein the driver program is delivered over a network.

17. (Previously presented) The method as recited in claim 9 wherein the step of compiling uses a Just-In-Time compiler.

18. (Currently Amended) A computer-readable medium having stored thereon computer-executable instructions for software interaction with hardware, comprising:

instructions for receiving an application program in an intermediate programming language:

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instruction for receiving at least a portion of a driver program in an intermediate language separate from the application program instructions, said driver program interacting with a computing component on a target computer system; and

instructions for receiving a runtime program in an intermediate programming language, wherein said runtime program performs the translation between said application instructions and said driver program;

instructions for compiling the application program, the runtime program and the driver program into a single executable program for execution on the target computer system, wherein the single executable program is optimized, and wherein the optimized single executable program eliminates unnecessary conditional code.

19. (Cancelled)

20. (Previously presented) The computer-readable medium as recited in claim 18 wherein the driver program comprises a kernel mode portion provided in an executable form wherein the the at least a portion of the driver program in an intermediate language received comprise user mode instructions.

21. (Cancelled)

22. (Previously presented) The computer-readable medium as recited in claim 20 wherein the user mode instructions translate from device driver interface instructions to hardware-specific commands.

23. (Previously presented) The computer-readable medium as recited in claim 22 wherein the driver program writes hardware-specific commands into an operating system-allocated buffer for submission to a scheduler of the hardware's time.

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24. (Previously presented) The computer-readable medium as recited in claim 18 comprising instructions for receiving the application program and the runtime program over a network.

25. (Previously presented) The computer-readable medium as recited in claim 18 comprising instructions for receiving the driver program over a network.

26. (Previously presented) The computer-readable medium as recited in claim 18 wherein the step of compiling uses a Just-In-Time compiler.

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